

but was it to be supposed that the same laws would be equally applicable throughout so vast an extent as that comprised within the French Empire ? Impossible as this was, as soon as the Code Napoleon was promulgated I received orders to establish it in the Hanse Towns. The long and frequent conversations I had on this subject with the Senators and the most able lawyers of the country soon convinced me of the immense difficulty I should have to encounter, and the danger of suddenly altering habits and customs which had been firmly established by time.

The jury system gave tolerable satisfaction; but the severe punishments assigned to certain offences by the Code were disapproved of. Hence resulted the frequent and serious abuse of men being acquitted whose guilt was evident to the jury, who pronounced them not guilty rather than condemn them to a punishment which was thought too severe. Besides, their leniency had another ground, which was, that the people being ignorant of the new laws were not aware of the penalties attached to particular offences. I remember that a man who was accused of stealing a cloak at Hamburg justified himself on the ground that he committed the offence in a fit of intoxication. M. Von Einingen, one of the jury, insisted that the prisoner was not guilty, because, as he said, the Syndic Doormaim, when dining with him one day, having drunk more wine than usual, took away *Jus* cloak. This defence *per Baculum* was completely successful. An argument founded on the similarity between the conduct of the Syndic and the accused, could not but triumphe, otherwise the little debauch of the former would have been condemned in the person of the latter. This trial, which terminated so whimsically, nevertheless proves that the best and the gravest institutions may become objects of ridicule when suddenly introduced into a country whose habits are not prepared to receive them.

The Romans very wisely reserved in the Capitol a place for the gods of the nations they conquered. They wished to

the offering of every citizen, without any person verifying the sum, and only on the simple moral guaranty of the honesty of the debtor, who himself judged the sum lie

ought to pay. When the receipt was finished the Senate always obtained more than it had calculated on (*Puymaifrc*, pp. 131-K>2).